



An Chartlann Náisiúnta National Archives

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cc P.S. Tachibana
P.S. H
P.S. J.
Mr Nally (D/Prosecution)
Mr Brennan (D/Justice)
Mr Hamill

Mr J. Gallagher. (on Return)
Mr O'Donnell (on Return).

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Mr by [signature]
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TO: HQ FROM: BELFAST
DATE: 10TH AUGUST, 1989.

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FOR: BRENDAN MCMAHON

FROM: N. RYAN

DEATH OF SEAMUS DUFFY

THE BRITISH JOINT SECRETARY, OLIVER MILES, CALLED TO SEE ME THIS AFTERNOON IN RELATION TO THE ABOVE.

HE SAID THAT HE SPOKE WITH THE AUTHORITY OF THE SECRETARY OF STATE WHO HAD ASKED HIM TO CALL TO BRIEF US. THEY WERE ENDEAVOURING TO GET AS MUCH INFORMATION AS POSSIBLE ON THE CIRCUMSTANCES SURROUNDING THE INCIDENT AND WERE DESIROUS OF KEEPING US FULLY BRIEFED. HOWEVER, SO FAR, MAINLY BECAUSE OF THE PECULIAR CIRCUMSTANCES SURROUNDING THE EVENTS, VERY LITTLE WAS KNOWN OFFICIALLY.

THE YOUTH HAD BEEN PICKED UP BY AMBULANCE IN DONORE COURT AT 2.10AM AND TAKEN TO THE MATER HOSPITAL. NOBODY WHO HAD BEEN SPOKEN TO SO FAR ON THE POLICE SIDE KNEW EXACTLY WHAT HAD HAPPENED OR WHERE EXACTLY THE INCIDENT HAD OCCURED BUT IT WAS BELIEVED THAT THE YOUTH HAD BEEN INJURED IN EITHER DAWSON ST. OR SHERIDAN ST. THE RUC HAD FIRED A NUMBER OF BATON ROUNDS IN THE AREA DURING THE DISTURBANCES BUT THEY STILL COULD NOT PINPOINT, AT THIS STAGE, WHO HAD FIRED THE FATAL ROUND. HE CONFIRMED, IN RESPONSE TO MY QUESTION, THAT IT COULD

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WE HAD A GENERAL DISCUSSION ABOUT THE USE OF BATON ROUNDS IN STREET DISORDER SITUATIONS DURING WHICH MR MILES SAID THAT IT SHOULD BE BORNE IN MIND IN CONSIDERING THIS MATTER, ESPECIALLY AGAINST A BACKGROUND OF ALLEGATIONS THAT USE OF PBRs WAS ACCEPTABLE IN NI BUT NOT IN THE REST OF THE UK, THAT FREQUENTLY THE POLICE HAD TO DEFEND THEMSELVES NOT ONLY AGAINST THE IMMEDIATE RIOTERS BUT USUALLY ALSO AGAINST THOSE IN THE BACKGROUND WHO WERE ARMED WITH AND USED WEAPONS AGAINST THEM. THAT WAS THE ESSENTIAL DIFFERENCE BETWEEN NI AND THE REST OF THE UK, WHERE LIVE WEAPONS VERY SELDOM FIGURED IN PUBLIC DISORDER SITUATIONS. I RESPONDED BY SAYING, IN RELATION TO THE LATER POINT, THAT I COULD NOT, ON THE FACE OF IT, SEE THE RELEVANCE OF THAT PARTICULAR POINT SINCE PBRs WERE NEVER INTENDED TO BE USED BY THE SECURITY FORCES AS A MEANS OF DEFENCE AGAINST LIVE AMMUNITION. THE FOCUS OF THE CONTROVERSY ABOUT PBRs HAD BEEN THAT THEY HAD BEEN SHOWN TO BE LETHAL IF USED IN PARTICULAR CIRCUMSTANCES AND THAT EXPERIENCE HAD INDICATED THAT, NO MATTER HOW RESTRICTIVE THE RULES RELATING TO THEIR USE WERE, INEVITABLY MISUSE OCCURED AND PEOPLE GOT SERIOUSLY INJURED AND WERE KILLED. THE CRUCIAL QUESTIONS RELATED TO THE CIRCUMSTANCES OF THE FIRING OF THE ROUND. IN THIS CONTEXT I REPEATED A NUMBER OF QUESTIONS PUT TO MR MASEFIELD YESTERDAY ESSENTIALLY RELATING TO THE PERCEIVED DANGER TO THE POLICE, THE BEHAVIOUR OF THE YOUTH AT THE TIME, THE RANGE AT WHICH THE ROUND HAD BEEN FIRED (THE INJURIES TO THE YOUTH WERE CONSISTENT WITH FIRING AT VERY CLOSE RANGE). ALL OF THESE WERE RELEVANT TO THE QUESTION OF THE LEGALITY OF WHAT HAD BEEN DONE.

I ALSO RAISED THE QUESTION OF SUPERVISION OF THE POLICE INVESTIGATION BY THE INDEPENDENT POLICE COMPLAINTS COMMISSION. I ENQUIRIED IN PARTICULAR, WHETHER THE SECRETARY OF STATE PROPOSED TO USE HIS POWER TO REFER THE CASE TO THE COMMISSION FOR SUPERVISION. I SAID THAT, BECAUSE OF THE SERIOUSNESS OF THE INCIDENT AND THE IMMENSE PUBLIC INTEREST INVOLVED, THIS WAS A CASE THAT UNDOUBTEDLY WAS APPROPRIATE

FOR SUCH A REFERRAL. MR MILES UNDERTOOK TO ENQUIRE IMMEDIATELY WITH THIS ASPECT OF IT. MR MASEFIELD HAS NOW REPORTED BACK TO ME TO SAY THAT THE CHIEF CONSTABLE, IN EXERCISE OF HIS POWERS UNDER ART. 8(I) OF THE POLICE (NI) ORDER 1987, HAS DECIDED TO ASK THE COMMISSION TO SUPERVISE THE INVESTIGATION AND THE COMMISSION HAS DECIDED TO DO SO. THIS IS AN IMPORTANT AND HELPFUL DEVELOPMENT AND WE SHALL BE MONITORING CLOSELY THIS ASPECT OF THE INVESTIGATION AS DEVELOPMENTS OCCUR.

IN CONCLUSION, MR MILES SAID THAT HE HAD BEEN ASKED BY THE SECRETARY OF STATE TO CONVEY TO US HIS THANKS FOR THE RESTRAINED NATURE OF THE PUBLIC RESPONSE MADE BY THE IRISH SIDE IN RELATION TO THIS TRAGIC OCCURANCE. HIS SIDE WERE ALSO IMPRESSED BY THE STATEMENT MADE BY THE BISHOP OF DOWN AND CONNOR.